



SPONSOR: Rep. Romer & Sen. Townsend

HOUSE OF REPRESENTATIVES
153rd GENERAL ASSEMBLY

HOUSE BILL

AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE REGARDING COMMUNICATION WITH A
COMPUTER.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Title 6 of the Delaware Code by making deletions as shown by strike through and insertions as
2 shown by underline as follows:

3 Chapter 25N. Computer Communication Act.

4 § 2501N. Definitions.

5 For purposes of this chapter:

6 (1) “Artificial Intelligence” or “AI” means a machine-based system that can, for a given set of human-defined
7 objectives, make predictions, recommendations, or decisions influencing real or virtual environments.

8 (2) “Avatar” means an icon or figure representing a person in internet forums.

9 (3) “Chatbot” means a computer program designed to simulate conversation with human users, especially
10 over the internet.

11 § 2502N. Deceptive Computer Communication Trade Practice.

12 (a) It is an unlawful practice, whether or not any consumer is misled, deceived, or damaged as a result, for a person
13 to engage, or attempt to engage, in a commercial transaction with a consumer when all of the following occurs:

14 (1) The consumer is communicating or otherwise interacting with computer technology, including a chatbot,
15 artificial intelligence agent, or avatar, that engages in a textual or aural conversation and may mislead or deceive a
16 reasonable person to believe they are engaging with an actual human.

17 (2) The circumstances of the communication or interaction may cause a reasonable person to believe that
18 person is engaging with an actual human.

19 (3) The person fails to notify the consumer in a clear and conspicuous manner that the consumer is
20 communicating with a computer and not a human being.

21 § 2503N. Remedies.

22 (a) Any consumer subjected to a commercial transaction or trade practice in violation of § 2502N of this title may
23 initiate a private right of action.

24 (b) A person found liable in a civil action for a violation of § 2502N of this title faces a maximum liability of:

25 (1) any actual damages as well as statutory damages not exceeding \$1,000.

26 (2) in the case of a class action, \$10 million.

27 (c) The Attorney General may seek relief for violations of this chapter in the manner provided in § 2522 of this
28 title. Any civil penalty may not exceed \$5 million. Each interactive session shall constitute a separate violation of § 2502N
29 of this title.

SYNOPSIS

This Act makes it an unlawful practice to engage in a commercial transaction with a consumer who interacts with computer technology, under circumstances where a reasonable person would believe that person is engaging with an actual human, without notifying the consumer that the consumer is communicating with a computer and not a human being.

It provides a civil cause of action for damages and permits the Attorney General to seek injunctive relief and a civil penalty of not more than \$5 million dollars.